

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

May 13, 2022

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JEREMY OLSEN,

Plaintiff,

v.

XAVIER BECERRA, in his official
capacity as Secretary of the United
States Department of Health and Human
Services,

Defendant.

No. **2:21-CV-00326-SMJ**

NOTICE SETTING COURT'S
SCHEDULING CONFERENCE

DATE: 06/16/2022 TIME: 8:40 A.M. CONFERENCE TYPE:

The Court will hold a telephonic Scheduling Conference at the above-noted date and time. Counsel and pro se parties shall use the following information to access the call.

PHONE NUMBER: 1-888-808-6929

ACCESS CODE: 7286684

SECURITY CODE: 0910

Parties are reminded to keep their line muted at all times unless they are addressing the Court.

The Court orders the parties to exchange initial disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1), and **FILE A NOTICE OF COMPLIANCE WITH THE COURT CONFIRMING** their compliance with this requirement, ***no later than 14 days before*** the telephonic scheduling conference. In this case, that

1 means *no later than June 2, 2022*. The parties shall note that this order
 2 modifies the presumptive deadline for initial disclosures set forth in Rule 26
 3 (a)(1).

4 In addition, to ensure that discovery and trial preparation advances efficiently,
 5 counsel and pro se parties shall discuss *each and every one* of the following subjects
 6 during the Rule 26(f) conference. Counsel and *pro se* parties must then file a
 7 combined report addressing *each and every subject not less than 14 days* before
 8 the Scheduling Conference:

- 9 a. whether the parties have notified the Clerk's Office if they consent to
 10 the case being heard by a full-time U.S. Magistrate Judge, *see* 28
 11 U.S.C. § 636;
- 12 b. whether jurisdiction and venue exist and, if they do exist, the basis for
 13 each;
- 14 c. whether service of process is complete and, if not, a deadline for
 15 completion;
- 16 d. a brief description of the claims and defenses;
- 17 e. whether a statute's constitutionality is being challenged, *see* (Fed. R.
 18 Civ. P. 5.1.);
- 19 f. whether the matter may be pursued as a class action, and if so, 1) a
 20 suggested motion-for-class-certification-filing deadline, and 2) what
 type of class action may be pursued, *see* (Fed. R. Civ. P. 23.);
- g. any issues that should be certified to a state supreme court;
- h. suggested deadline for amending the pleadings;
- i. suggested deadline for adding additional parties;
- j. whether a non-government corporate party filed the necessary
 ownership statement, *see* Fed. R. Civ. P. 7.1;
- k. whether the case involves a minor or incompetent party and whether
 the appointment of a guardian ad litem is necessary, *see* LR 17;

- 1 l. discovery:
 - 2 • suggested deadline for initial disclosures, *see* Fed. R. Civ. Proc.
 - 3 26(a)(1) if not already completed,
 - 4 • subjects on which discovery may be needed,
 - 5 • any issues about preserving discoverable information,
 - 6 • claims of privilege or protection,
 - 7 • proposed modifications to the standard discovery procedures,
 - 8 including bifurcation and/or consolidation of discovery,
 - 9 • suggested expert disclosure deadlines,
 - 10 • suggested discovery cut-off, and
 - 11 • any anticipated Fed. R. Evid 502 agreements relating to
 - 12 inadvertent disclosures;
- 13 m. proposed protective orders/confidentiality agreements **which shall be**
- 14 **submitted as an attachment to the Rule 26(f) report;**
- 15 n. anticipated motions and suggested dispositive motion filing deadline;
- 16 o. trial:
 - 17 • suggested trial date(s),
 - 18 • length of trial (total days needed for all parties),
 - 19 • bifurcation, and
 - 20 • the need for special audio/visual courtroom technology;
- 21 p. mediation:
 - 22 • suggested deadline for referral to the magistrate judge for
 - 23 mediation,
 - 24 • efforts the parties have already made towards settlement, and
 - 25 • any barriers to productive mediation which exist at this time;
 - 26 and
- 27 q. any other matters that may be conducive to the just, efficient, and
- 28 economical determination of the action.

19 In addition to filing the above-described combined report, the parties shall also
 20 execute and return the enclosed “Consent to Magistrate Judge” form to the Clerk’s
 Office **within fourteen days of this Notice**, either by a) indicating consent to

1 proceed before a magistrate judge or b) indicating lack of consent on the form's
2 second page.

3 Parties are expected to comply with the spirit of Rule 26 and seek to minimize the
4 time and expense of discovery consistent with Rule 1's goals.

5 **Only an attorney who will be trying the case may participate in the telephonic
6 scheduling conference.**

7 **If applicable, opposing counsel shall make arrangements with the Correctional
8 Center where a pro se incarcerated party is housed to ensure the litigant can
9 call in for the hearing on a telephone that will permit them to have ready access
10 to their legal paper.**

11 *Failure to 1) timely file the above-described combined report and/or 2) attend the
12 Scheduling Conference will result in the imposition of **sanctions in the minimum**
13 **amount of \$100.00**, absent good cause shown in writing and filed with the Court.*

14 Dated: May 13, 2022.

15 SEAN F. McAVOY,
16 DISTRICT COURT EXECUTIVE CLERK

17 s/Nicole Cruz
18 Deputy Clerk

19 All Counsel/Pro Se Parties
20 Attachment: Consent to Magistrate Judge form